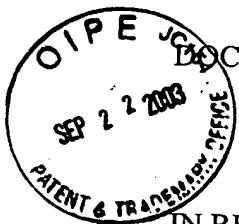


10/3 103
#23 REG for
Recm



DOCKET NO: 214503US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RECEIVED
SEP 26 2003
GROUP 1700

IN RE APPLICATION OF

TOSHIKI NANYA, ET AL.

SERIAL NO: 09/964,622

FILED: SEPTEMBER 28, 2001

FOR: TONER, DEVELOPER AND
CONTAINER FOR THE DEVELOPER,
AND METHOD OF AND APPARATUS
FOR FORMING AN IMAGE

:
: EXAMINER: RODEE, C.
:
: GROUP ART UNIT: 1756

NOTED
CPR
10/03

REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Advisory Action of August 1, 2003, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks and Terminal Disclaimer submitted concurrently herewith.

Request for Reconsideration begins on page 2 of this paper.

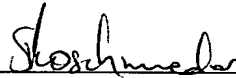
REQUEST FOR RECONSIDERATION

Claims 1-17, 26, and 29 stand rejected under the judicially created doctrine of obviousness-type double-patenting in view of Claims 1-17 and 45-83 of co-pending U.S. Application Serial No. 10/114,056. Claim 27 is objected to. Claims 20-25 are withdrawn from consideration.

Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321. Applicants submit that the Terminal Disclaimer obviates the obviousness-type double patenting rejection in view of copending 10/114,056 remaining in this application. Applicants respectfully request the passage of all now-pending claims to Issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Customer Number

22850

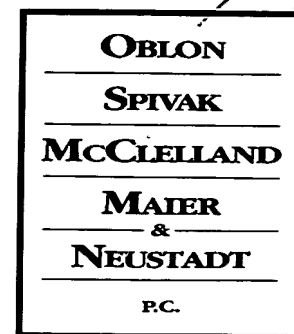
Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
NFO:SUK/bwt

Stefan U. Koschmieder
Registration No. 50,238



Docket No.: 214503US0

RECEIVED
SEP 26 2003
GROUP 1700



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RICHARD L. TREANOR
(703) 412-6007
RTREANOR@OBLON.COM

STEFAN U. KOSCHMIEDER,
PH.D.
REGISTERED PATENT AGENT
(703) 412-6463
SKOSCHMIEDER@OBLON.COM

RE: Application Serial No.: 09/964,622
Applicants: Toshiki NANYA, et al.
Filing Date: September 28, 2001
For: TONER, DEVELOPER AND CONTAINER FOR THE
DEVELOPER, AND METHOD OF AND
APPARATUS FOR FORMING AN IMAGE
Group Art Unit: 1756
Examiner: RODEE, C.

SIR:

Attached hereto for filing are the following papers:

Request for Reconsideration (2 pp.)

Request for Extension of Time (1)

Terminal Disclaimer

Our check in the amount of **\$220.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Richard L. Treanor

Registration No. 36,379

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Stefan U. Koschmieder, Ph.D.
Registration No. 50,238